IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

Crl.MC.No. 15 of 2004(B)

SC.85/1996 of II ADDL. ASSISTANT SESSIONS COURT, THRISSUR

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PETITIONER/12TH ACCUSED:

SIDDIQUE, S/O. KERANTHAKATHA KOYAMON,
THIRUVATHRA, PUTHENKADAPPURAM DESOM,
MANATHALA VILLAGE.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA

RESPONDENT/COMPLAINANT:

THE CIRCLE INSPECTOR OF POLICE,
GURUVAYUR, REP. BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
(CRIME NO.59/1994 OF CHAVAKKAD POLICE STATION)

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

Crl.M.C.No. 15 of 2004

ORDER

Petitioner is the 12th accused in Crime No.59/94 of Chavakkad Police Station, which is now pending as L.P.No.30/00 on the file of the Assistant Sessions Court, Thrissur. After investigation, final report was laid in Crime No.59/94 aforesaid for offences under Sections 143, 147, 148, 323, 324, 452 and 307 IPC read with Section 149 thereof against 17 accused and on committal, vide order in C.P.No.14/95, the case was registered in the Sessions Division, Thrissur as S.C.No.85/96.

2. At the time of trial of the said case, a few of the accused, including the 12th accused, who is the petitioner herein, absconded. Consequently, trial proceeded as against such of the accused, who appeared for trial and the case as against the absconding accused was split up and re-filed and included in the register of long pending cases as L.P.No.30/00.

3. The prayer in this Crl.M.C. is to quash Annexure A2 final report in the said crime, as according to him, vide Annexure A1 judgment, the Assistant Sessions Judge has acquitted all the accused, who faced trial in S.C.No.85/96 and that conducting a further trial of the case against him is not to yield any better result and will only be an abuse of the process of court.

4. It has been held by a Full Bench of this Court in **T.Moosa v. S.I. of Police** (ILR 2006 (1) Kerala 237) that the reason that the accused, who faced trial were acquitted, is no ground to quash the proceedings against an absconding accused.

In the result, the prayer in this Crl.M.C. cannot be granted and this Crl.M.C. is, hence, dismissed.

9th August, 2007 (K.P.Balachandran, Judge)

tkv